



Attorney Docket No.: EMPIR060-AUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas Mayberry
Serial No.: 10/665,707
For: A Method of Providing Improved Performance of Software
Tools
Filing Date: September 18, 2003
Examiner: Not Yet Assigned
Art Unit: 2183

Certificate of Mailing Under 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on:

Date: April 22, 2004

By: Farah Zafar

(Typed or printed name of person mailing
Document, whose signature appears below)

Signature: Farah Zafar

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER

Sir:

Enclosed is/are:

- Transmittal Letter (this form, 2 pages, in duplicate), Total Pages: 4;
- Information Disclosure Statement, Total Pages: 3;
- PTO-1449 Form, Total Pages: 1;
- A copy of cited references enclosed, Total References: 5;
- Return Receipt Pre-paid Postcard (in duplicate), Total Postcards: 2;
- Authorization to charge Deposit Account No. 50-0901, if required.

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Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

If the enclosed papers or fees are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,

By: David W. Rouille
David W. Rouille, Esq.
U.S.P.T.O. Registration No.: 40,150
Attorney for Applicant
CHAPIN & HUANG, L.L.C.
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Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement is submitted:

under 37 CFR 1.129(a), or (If IDS filed as first/second submission after Final Rejection);

under 37 CFR 1.97(b), or (If IDS Filed within three months of filing national application; or date of entry of the national stage in international application; or before mailing date of first office action on the merits; whichever occurs last);

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- [] under 37 CFR 1.97(c) together with either:
 - [] a Statement under 37 CFR 1.97(e), as checked below, or
 - [] a \$180.00 fee under 37 CFR 1.17(p), or (If filed after the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- [] under 37 CFR 1.97(d) together with:
 - [] a Statement under 37 CFR 1.97(e), as checked below, and
 - [] a Petition under 37 CFR 1.97(d)(2), and
 - [] a \$130.00 petition fee set forth in 37 CFR 1.17(i). (If IDS filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)
 - [] Applicant requests that the attached IDS and cited reference(s) be placed in the application filewrapper. (If IDS filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- [X] Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- [] No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Enclosed herewith is Form PTO-1449:

- [X] Copy of the cited references are enclosed.
- [] Copy of cited references are enclosed except those entered in a prior application, having U.S. Serial No. _____, and references that are not required to be submitted under 37 CFR 1.98.
- [] The listed references were cited in the enclosed International Search Report in a counterpart foreign application.

[] Pursuant to the Official Gazette Notice of August 5, 2003 the requirement under 37 CFR 1.98(a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication is waived for all U.S. national patent applications filed after June 30, 2003.

Concise Explanation Requirement (required for non-English references):

- [] The "concise explanation" requirement for reference(s) under 37 CFR 1.98(a)(3) is satisfied by:
 - [] the explanation provided on the attached sheet.
 - [] the explanation provided in the Specification.
 - [] submission of the enclosed International Search Report.
 - [] the enclosed English language abstract.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- [X] No fee is required for this Information Disclosure Statement.
- [] Enclosed is a check for \$180.00, which covers the Information Disclosure Fee.
- [] A copy of this Statement is enclosed.

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

Respectfully submitted,

By: David W. Rouille
David W. Rouille, Esq.
U.S.P.T.O. Registration No.: 40,150
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